

JAN 25 2010

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

UNITED STATES OF AMERICA,)	Criminal Case No. 4:03cr70134-4
)	
v.)	<u>2255 FINAL ORDER</u>
)	
JOHNNY OTIS DILLARD)	By: Norman K. Moon
)	United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby **ORDERED** and **ADJUDGED** that the government's motion to dismiss is **GRANTED**, the above referenced 28 U.S.C. § 2255 motion is **DISMISSED**, and this action is **STRICKEN** from the active docket of the court.

Further, finding that Dillard has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

The Clerk of the Court is directed to send a certified copy of this Order and the accompanying Memorandum Opinion to the petitioner.

ENTER: This 25th day of January, 2010.

[Signature: Norman K. Moon]

NORMAN K. MOON
UNITED STATES DISTRICT JUDGE